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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: A8504

KEESEY, James L., et al.

Appln. No.: 09/690,313

Group Art Unit: 2654

Confirmation No.: 3435

Examiner: Qi HAN

Filed: October 17, 2000

For: A TECHNIQUE FOR PROVIDING CONTINUOUS SPEECH RECOGNITION AS AN
ALTERNATE INPUT DEVICE TO LIMITED PROCESSING POWER DEVICES

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated December 16, 2005. Entry of this Reply Brief is respectfully requested.

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PROCEDURAL MATTERS

Appellant concurs with the Examiner statements in sections (1)-(8) of the Examiner's Answer.

RESPONSE TO POINTS RAISED IN THE EXAMINER'S ANSWER

In response to Appellant's argument that the Examiner has failed to articulate a credible motivation to modify King in view of Alpdemir (App. Br. at 14-16), the Examiner counters by arguing that:

In this case, the obviousness is based on the prior art teachings and/or common knowledge in the art, as indicated in the sections of "Claim Rejection-- 35 USC 103" and "Response to Arguments" in the final office action filed on 04/19/2005 and the advisory office action filed on 08/15/2005. It is noted that both references are in the same field of endeavor, and solve the same or similar problem(s) of using portable/mobile device, such as PDA or cellular phone, to access speech, speech (or voice) recognition/speech-to-text services, through network, voice communication channels, and/or wireless devices, which provides a general motivation (obviousness) for combining the references.

(Ex. Ans. at pp. 8-9) (emphasis in original). While both King and Alpdemir generally incorporate some element of speech recognition, such generalities to not give rise to a motivation to combine the references. There does not exist sufficient motivation to combine references simply because references relate to the same general subject matter. Countless references exist in the speech recognition field and there is not, based solely on these numerous references relating to the same general subject matter, motivation to combine any one of these references with any other of these references. To the extent the Examiner argues that there exists ample motivation to combine references because the references are allegedly in the same field of endeavor, this assertion fails to provide the requisite motivation to modify King according to Alpdemir.

The Examiner also argues that the combination of King and Alpdemir is necessary only to “conservatively reject” the claims.¹ This assertion, however, is at odds with the Examiner’s clear acknowledgement that King “does not expressly disclose using one computer for receiving voice data and a device identifier and for recognizing the speech (or voice).” (Ex. Ans. at p. 9). It is apparently the Examiner’s position that because the combination is, according to the Examiner, necessary only to “conservatively reject” the claims, there is a lesser standard of proof. There is, however, no lower burden placed on the Examiner for allegedly conservative rejections. It remains the Examiner’s burden to establish *prima facie* obviousness (MPEP 2143), a burden that, for at least the reasons outlined in the Appellant’s Brief, has not been met here.

Further, the Examiner’s assertion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King according to the teachings of Alpdemir for the purpose of offering easy access of the service for businesses and consumers ... because, in general, one computer with functionality of both receiving voice data and a device identifier and recognizing speech would be more easily accessed by user devices for the services than separate systems,” again, fails to provide a credible motivation to combine King with Alpdemir. The passage (col. 2, lines 26-28) from Alpdemir on which the Examiner relies states that “there remains a need for a method of doing business, an information and referral service providing easy access by business and consumers...” This need is in response to the problems of conventional communication devices which “have been limited to playback of recorded audio” and have not integrated with other systems to provide more detailed information to consumers

¹ Notably, although the Examiner argues that this combination of references is necessary only to make a conservative obviousness rejection, the Examiner has not made an anticipation rejection.

about businesses. The relied upon passage for does not provide any motivation for the Examiner's proposed combination.

In response to Appellant's arguments that, even if combined, King in view of Alpdemir fail to teach or suggest each limitation of claims 1-3, 7-16, 20-29 and 22-39, in particular, the limitation of "determining whether to filter the translated text and if it is determined that the translated text it to be filtered, applying a filter to the translated text," the Examiner argues that the claim limitation is broad because, according to the Examiner, "it is just filtering the translated text if needed or applying a filter to the translated text if needed and the claim does not specifically recite what should be filtered out and how to apply a filter to the text." (Ex. Ans. at 11-12) (internal citations). According to the Examiner, "King teaches converting the symbolic data file (text) to a data format that may be optimally transported on wireless network and a text file ... may be reformatted so as to more compatible" which, the Examiner argues, "suggests filtering out some incompatible text with requesting mobile device (interpreted as a filter or filtering function)," which, according to the Examiner, is properly read on the claimed limitation, based on the broadest reasonable interpretation of the claims. (Ex. Ans. at 12).

Appellant disagrees with the Examiner's paraphrasing of the claim limitations at issue. The claim limitations are as written in the claims, not as unilaterally rewritten by the Examiner.

Nonetheless, The Examiner's argument still fails to identify where a step of "determining whether to filter the translated text" occurs. Even accepting the Examiner's statements regarding King as true, there is no teaching or suggestion of making a determination step as recited in claim 14. Accordingly, Applicant respectfully submits that claims 1-3, 7-16, 20-29 and 33-39 are patentable over the cited art for at least the reasons presented in the Appellant's Brief.

In response to Appellant's arguments that the Examiner has failed to meet his burden of establishing that King in view of Alpdemir in further view of what the Examiner argues is well known in the art fails to teach or suggest each element of dependent claim 18, in particular, an apparatus "wherein determining comprises extracting one or more key words from the translated text," the Examiner states that

King teaches that the symbolic data file (recognized data file) can be in format ... a text file (e.g. ASCII) (read on translated text) ... may be reformatted so as to be more compatible with the requesting mobile device ... and that 'the symbolic data file ... containing a plurality of letters ... words ... is then sent to the requesting mobile device to be determined whether a termination command (corresponding to one or more words) has been received (extracted or filtered).

(Ex. Ans. at 12). However, the Examiner's parenthetical "corresponding to one or more words" is added to King's disclosure by the Examiner. As shown in Fig. 7, steps 720 (send symbolic data file to client over data channel) is entirely separate from step 724 (termination command received?). There is no teaching or suggestion in King that such termination command is a keyword to be extracted from the symbolic data file sent in step 720.

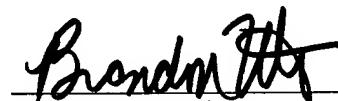
The Examiner also, for the first time, relies on U.S. Patent No. 6,324,512 to Junqua ("Junqua"). According to the Examiner, Junqua "teaches that a speaker utters a phrases that is recognized by an automatic speech recognizer and using lexical filters for input sentence (recognized text that corresponds to translated text) to identify (extract or filter) keywords, such as movie names, producers (column 5, lines 34-43)." (Ex. Ans. at p. 12) (internal quotations omitted). Therefore, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King in view of Alpdemir to provide a step of identifying certain keywords in the recognized sentence for the purpose of filtering out the words that are not part of the lexicon. Junqua, however, fails to cure the deficiencies in the

Examiner's rejection. Admittedly, looking for keywords in text files was known in the art prior to Applicant's invention. However, merely searching for key words in text is not the claim limitation at issue. Junqua fails to disclose or suggest an apparatus "wherein determining [whether to filter the translated text] comprises extracting one or more key words from the translated text." The Examiner's assertions regarding Junqua focus on the "extracting one or more key words from the translated text" portion of the claim limitation, neglecting to consider the "determining" portion of the claim limitation. Even relying on Junqua, introduced for the first time in the Examiner's answer, the Examiner's rejections fail to teach or suggest an apparatus "wherein determining [whether to filter the translated text] comprises extracting one or more key words from the translated text."

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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